HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE

AND

HON'BLE SHRI JUSTICE G.BHAVANI PRASAD

WRIT PETITION No. 14013 of 2005

Between:

M/s Sri Shiridi Sai Aqua Pure Drinking Water,

represented by

its Proprietor, T.Ganesh

R/o Mogilipadu, Palasa

Srikakulam Dist. .. Petitioner

AND

The Union of India, represented by its

Secretary to Government, Department

Of Consumer Affairs, Food and Public

Distribution, New Delhi and others ..Respondents.

Counsel for the Petitioner: None.

Counsel for Respondents

1 and 2 : Shri A.Rajashekar Reddy,

Assistant Solicitor General

Counsel for Respondent No.3: Sri O.Manoher Reddy

Dated: March 6, 2006

ORDER:

Per G.S.Singhvi, C.J.

In this petition, the petitioner has made the following prayer:

"For the aforesaid reasons, the Petitioner herein prays that this Hon'ble Court may be pleased to issue a Writ or order or direction particularly one in the nature of Writ of Mandamus declaring that IS:14543:2004 in so far as it seeks to restrict the container of packaged drinking water in excess of five liters to be colourless and transparent and requiring the plastic containers to conform to IS:15410:2003 which in turn requires the plastic containers to be colourless with 85% transparency and be in multiples of five liters and preventing the use of the BIS marking in respect of the flexible pouches (sachets) manufactured by the petitioner tobe arbitrary, unconstitutional and otherwise null and void; and

Pending disposal of the Writ Petition direct the third respondent not to restrict the usage of containers of packaged drinking water in excess of 5 lts. and above to be colourless and transparent in terms of IS:14543:2004 and restrain the respondents from preventing the members of the Petitioner Association from using the BIS marking in respect of flexible pouches (sachets) on the ground that the same do not have any specifications formulated as yet as long as the contents of the packaged drinking water conform to IS:14543:2004 or to pass such further or other orders as this Hon'ble Court may deem fit and proper in the circumstances of the case."

From the record of the writ petition, it can be noticed that on August 8, 2005 this Court had passed an interim order, but the same was vacated on October 19, 2005.

Neither any one is appeared on behalf of the petitioner nor any request has been made for pass over. This leaves us with no option to presume that petitioner is not interested in prosecuting its cause.

Consequently, the writ petition is dismissed.

As a sequel to the dismissal of the writ petition, W.P.M.P. No. 17792 of 2005 is also dismissed in default.

G.S.SINGHVI, C.J.

March 6, 2006

G.BHAVANI PRASAD, J.

GRR